

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

**VONDA NOEL, On behalf of HERSELF
and All Others Similarly Situated,**

Plaintiff,

v.

**METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON
COUNTY, TENNESSEE,**

Defendant.

**CLASS AND COLLECTIVE
ACTION**

CASE NO. 3:11-cv-519

**JUDGE SHARP
MAGISTRATE JUDGE KNOWLES**

PLAINTIFF'S MOTION TO REFER CASE TO MEDIATION

Pursuant to Local Rule 16.02(d)(1) of this Court, Plaintiff moves this Court for an Order referring this case to mediation. Plaintiff requests that this Court require the parties to retain a private mediator to assist them in their evaluation of settlement, to facilitate a negotiation of the pending claims, and to advise all parties of interest who must approve any part of a settlement, including the Named Plaintiff, undersigned class counsel, the Metropolitan Department of Law, the Sheriff, the Mayor's Office, the Finance Department, and members of the Metropolitan Council.

Plaintiff's Rule 23 claims, which impact the pay of more than 800 current and former Metro employees who work or worked at the DCSO, are set to be tried to a jury on December 16, 2014 (Doc. No. 282). In light of the risks associated with trial and the judicial resources trial will consume, the parties should be required to mediate before trial. Plaintiff submits that the parties should be required to mediate by October 17, 2014 – 60 days before trial is set to begin (Doc. No. 282) – and the parties should be required to report to the Court the status of their settlement discussions by no later than October 24, 2014. Should this matter resolve through

mediation, the parties and this Court will conserve resources that would otherwise be spent on trial preparation and trial.

Further, pursuant to Local Rule 16.02(d)(2), Plaintiff requests that this Court require all authorized representatives of the parties to attend and to participate in the Court-ordered mediation. Plaintiff submits that such authorized representatives include Plaintiff, as the Rule 23 class representative, as well as appropriate representatives of the Metropolitan Department of Law, the Davidson County Sheriff's Office, the Metro Finance Department, and any other officials of any department of the Metropolitan Government required to authorize any payment to the Rule 23 class and/or any prospective relief to the class.

A proposed order granting this relief has been submitted herewith.

Dated: July 15, 2014

Respectfully submitted,

/s/ David W. Garrison

GEORGE E. BARRETT

DAVID W. GARRISON

SCOTT P. TIFT

SETH M. HYATT

**BARRETT JOHNSTON MARTIN &
GARRISON, LLC**

Bank of America Plaza
414 Union Street, Suite 900
Nashville, TN 37219
(615) 244-2202

gbarrett@barrettjohnston.com
dgarrison@barrettjohnston.com
stift@barrettjohnston.com
shyatt@barrettjohnston.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing *Plaintiff's Motion to Refer Case to Mediation* has been served on the following via the Court's ECF filing system:

ALLISON L. BUSSELL
CHRISTOPHER M. LACKEY
R. ALEX DICKERSON
Metropolitan Legal Department
P O Box 196300
Nashville, TN 37219

on this the 15th day of July, 2014

/s/ David W. Garrison
DAVID W. GARRISON
BARRETT JOHNSTON MARTIN &
GARRISON, LLC